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Robert E. Van Cleve

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EXAMINER

DU, THUAN N

ART UNIT

PAPER NUMBER

2116

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/966,064
Filing Date: September 28, 2001
Appellant(s): VAN CLEVE ET AL.

Mark E. Scott
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed on October 07, 2005 appealing from the Office action mailed on May 17, 2005.

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(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is incorrect. A correct statement of the status of the claims is as follows:

This appeal involves claims 10, 16 and 17.

Claims 2-9, 13-15 and 18-22 are allowed.

Claims 11 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 1 has been canceled.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is incorrect. The correct grounds of rejection to be reviewed on appeal are as follows:

Claim 10 is unpatentable over Alcorn et al. (U.S. Patent No. 6,106,396) and Nakagiri (U.S. Patent No. 6,606,669).

Claims 16 and 17 are unpatentable over applicant's admission of prior art [AAPA], Alcorn et al. (U.S. Patent No. 6,106,396) and Nakagiri (U.S. Patent No. 6,606,669).

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

Applicant's admission of prior art [AAPA], Alcorn et al. (U.S. Patent No. 6,106,396) and Nakagiri (U.S. Patent No. 6,606,669) are relied upon by the examiner in the rejection of the claims under appeal.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alcorn et al. [Alcorn] (U.S. Patent No. 6,106,396) and Nakagiri (U.S. Patent No. 6,606,669).

Attention of the Board is respectfully directed to Figures 1 and 2 and the corresponding description in Alcorn; and Figure 2 and the corresponding description in Nakagiri.

With respect to claim 10, Alcorn teaches:

The method of the invention comprising:

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storing in a ROM device (14) of a computer a basic input output system (BIOS) program [col. 6, lines 24-26; col. 7, line 26]; and

storing in the ROM (14) hardware drivers for an operating system [col. 6, lines 26-28; col. 7, lines 29-30].

In summary, Alcorn teaches that the ROM 14 comprises ROM 29 and ROM 30 [col. 7, lines 17-20]. Basic input output system (BIOS) program [BIOS program is equivalent to system initialization or boot code] is stored in ROM 29 of ROM device 14. Hardware drivers for an operating system are stored in ROM 30 of ROM device 14. Therefore, Alcorn teaches that both BIOS program and hardware drivers are stored in the same ROM device 14.

Alcorn does not explicitly teach that the hardware drivers stored in the ROM could be used for a plurality of different operating systems.

Nakagiri teaches that hardware drivers stored in a ROM (13) could be used for a plurality of different operating systems [col. 5, lines 16-26].

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Alcorn to store in the ROM hardware drivers which could be used for a plurality of different operating systems as taught by Nakagiri. The modification would reduce the time of the operating system installation (e.g. no need to spend more time for installing another set of hardware drivers for a different operating system).

Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admission of prior art [AAPA], Alcorn et al. [Alcorn] (U.S. Patent No. 6,106,396) and Nakagiri (U.S. Patent No. 6,606,669).

With respect to claim 16, AAPA teaches:

The method of the invention comprising the step of supplying an operating system driver during the installation of an operating system by copying the operation system driver from a storage device [application's specification, page 2, lines 16-22].

AAPA does not teach that operation system driver is stored together with BIOS programs in a ROM.

Alcorn teaches that a computer system comprising:

a CPU [microprocessor 12];

a main memory coupled to the CPU [main memory 13];

a read only memory (ROM) [system boot ROM 14] coupled to the CPU, where the ROM stored BIOS programs [col. 6, lines 24-26; col. 7, line 26], and further where the ROM stores operation system drivers [col. 6, lines 26-28; col. 7, lines 29-30].

In summary, Alcorn teaches that the ROM 14 comprises ROM 29 and ROM 30 [col. 7, lines 17-20]. Basic input output system (BIOS) program [BIOS program is equivalent to system initialization or boot code] is stored in ROM 29 of ROM device 14. Hardware drivers for an operating system (operation system drivers) are stored in ROM 30 of ROM device 14.

Therefore, Alcorn teaches that both BIOS program and hardware drivers for an operating system (operation system drivers) are stored in the same ROM device 14.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of AAPA to divide the ROM into two portions for storing BIOS in one portion and operation system drivers in the other as taught by Alcorn [Fig. 2; col. 7, lines 17-20]. The modification would not only increase the flexibility of the system by providing another way

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for storing operation system drivers but also increase the convenience for the user upon installing the operation system.

Both AAPA and Alcorn does not explicitly teach that the hardware drivers stored in the ROM could be used for a plurality of different operating systems.

Nakagiri teaches that hardware drivers stored in a ROM (13) could be used for a plurality of different operating systems [col. 5, lines 16-26].

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of AAPA-Alcorn to store in the ROM hardware drivers which could be used for a plurality of different operating systems as taught by Nakagiri. The modification would reduce the time of the operating system installation.

With respect to claim 17, Alcorn teaches that the ROM could be any type of programmable ROM [col. 7, lines 22-25]. Therefore, an electrically erasable programmable read only memory (EEPROM) would be operable in Alcorn's system.

(10) Response to Argument

In the appeal Brief, Appellant argued in substances that: (1) Alcorn does not teach or suggest coupling the casino game to a peripheral device that transfers device drivers to the casino game; (2) one of ordinary skill in the art would not think to put BIOS programs for a particular machine on the same ROM device with "hardware drivers for a plurality of different operating system."

With respect to point (1), examiner agrees with Appellant that Alcorn does not teach or suggest coupling the casino game to a peripheral device that transfers device drivers to the casino game. However, by modifying the teachings of Alcorn to store in the ROM 14 (ROM 14 is a

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system ROM) hardware drivers that could be used for a plurality of different operating systems, there is no need to couple to an external peripheral device to transfer device drivers to the system since the drivers are already stored in the system.

With respect to point (2), examiner respectfully disagrees with Appellant's position. Storing in the system ROM device hardware drivers for a plurality of different operation systems would reduce the time of the operating system installation (e.g. the user might only need to update the BIOS but do not need to spend more time for installing another set of hardware drivers for a different operating system).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

(12) Conclusion

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,


THUAN N. DU
PRIMARY EXAMINER

Conferees:


REHANA PERVEEN
SUPERVISORY PATENT EXAMINER

11/20/16